



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council

Date: January 14, 2014

From: Lori Lamson
Community Development Director
Community Development Department

Item No: 8

Subject: ADOPT ORDINANCE NO. 457 – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, AMENDING THE LCER SPECIFIC PLAN TO PERMIT A CLUSTER OF EIGHTEEN (18) CLASSROOM PORTALS SITED AS A PLAZA LEARNING CENTER DEVELOPMENT OF THE EXISTING K-12 LEWIS CENTER FOR EDUCATIONAL RESEARCH SCHOOL SITE (THE "ACADEMY FOR ACADEMIC EXCELLENCE").

Applicant: Town of Apple Valley

Location: Town-wide

T.M. Approval: _____

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 457.

SUMMARY STATEMENT:

At its December 6, 2013 meeting, the Town Council reviewed and introduced Ordinance No. 457, amending the LCER Specific Plan to permit a cluster of eighteen (18) classroom portals sited as a plaza learning center development of the existing K-12 Lewis Center for Educational Research school site (the "Academy for Academic Excellence"). Ordinance No. 457 is scheduled for adoption at the January 14, 2014 Town Council meeting.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

Ordinance No. 457

ORDINANCE NO. 457

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, TO AMEND THE LCER (LEWIS CENTER EDUCATIONAL CENTER) SPECIFIC PLAN TO PERMIT A CLUSTER OF EIGHTEEN (18) CLASSROOM PORTALS SITED AS A PLAZA LEARNING CENTER DEVELOPMENT OF THE EXISTING K-12 LEWIS CENTER FOR EDUCATIONAL RESEARCH SCHOOL SITE (THE "ACADEMY FOR ACADEMIC EXCELLENCE").

WHEREAS, The Town Council of the Town of Apple Valley, State of California, does ordain as follows:

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

WHEREAS, Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, Specific minor amendments to the LCER Specific Plan within the Town of Apple Valley, and

WHEREAS, On November 6, 2013, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Specific Plan Amendment 2009-001 No. 1, receiving testimony from the public; and

WHEREAS, The project based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, Specific Plan No. 2009-001, Amendment No. 1, is consistent with the Town of Apple Valley's General Plan and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 1. Findings.

(i) Find that the changes proposed by Specific Plan 2009-001, Amendment No. 1 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan;

(ii) Find that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA) the proposed amendment is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001 on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA);

(iii) Find that the changes proposed by Specific Plan No. 2009-001, Amendment No. 1 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan; and

Section 2. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Commissioners at said hearing, that the Town Council of the Town of Apple Valley, California, finds that the changes proposed under Specific Plan No. 2009-001, Amendment No. 1 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 3. Based upon the facts presented within the staff analysis, public testimony and pursuant to Government Code Section 65863(b), the Planning Commission of the Town of Apple Valley, California, finds that the proposed land use designations are consistent with the General Plan goals for a broader economic base for the Town.

Section 4. The amendment currently proposed are consistent with the adopted Specific Plan and do not constitute a change in build out potential. State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed amendment is within the scope of the previously approved Mitigated Negative Declaration that was adopted by the Planning Commission for Specific Plan No. 2009-001, on October 6, 2010. No additional evaluation is necessary, and the amendment is in compliance with the California Environmental Quality Act (CEQA). Conditions within the Specific Plan area have not changed. Therefore, the Mitigated Negative Declaration analyzed the impacts of the project, and the proposed amendments do not require additional environmental review.

Section 5. Amend LCER Specific Plan Section III LCER Land Use Designation, 1. School Zone; K-12 on page twelve (12) to include the following text change:

"A cluster of eighteen (18) portable housing/classroom units is proposed to be sited as a plaza learning center located within the K-12 School Zone. The portable housing/classrooms will be located on the south end of the existing campus, and is illustrated on Exhibit III four (4) and five (5) as allocated for temporary housing/classrooms.

Site work will include extension of the fire lane, twelve (12) additional parking spaces adjacent to the buildings, walkways and access stairs/ramps to the housing/classrooms, and minor site improvements to divert site drainage around the facilities. The existing mineral city will be relocated south of the interim housing, where it will remain in place upon completion of Building "G" per the approved LCER Specific Plan. LCER will also construct a small-scale waterwheel and gristmill adjacent to the new portables as an educational tool."

Add additional maps four (4) and five (5) to Exhibit III depicting location of portable housing/classroom units (see inserts).

On page 49, Site Plan Review, under Findings, number five (5), add the following sentence: "The cluster of the eighteen (18) portable housing/classroom plaza is considered an expansion of the existing school capacity, and necessitates that the mitigation measure require the signalization at the intersection of Tuscola and Apple Valley Road(s) be constructed prior to issuance of Certificate of Occupancy for the learning center."

Section 6. Invalidation. The amendment by this Ordinance of Title 9 "Development Code" of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

Section 7. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 9. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

APPROVED and ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 14th day of January, 2014.

Art Bishop, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Brown, Town Attorney

Frank Robinson, Town Manager